

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID LION,

Plaintiff,

-against-

VCU HEALTH SYSTEM MCU HOSPITALS &  
PHYSICIANS D/B/A VCU MEDICAL CENTER, *et al.*,

Defendants.

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07 Civ. 3129 (SCR)

**ORDER**

STEPHEN C. ROBINSON, U.S. District Judge:

Plaintiff David Lion filed this diversity action on April 19, 2007, alleging various acts of medical negligence. On June 15, the defendants filed a motion dismiss on various grounds, which Plaintiff opposed on July 30. In his opposition papers, Plaintiff conceded that defendants are not, as he previously believed, subject to personal jurisdiction in New York. Accordingly, Plaintiff requested, pursuant to 28 U.S.C. § 1631, that the case be transferred to the Eastern District of Virginia.

28 U.S.C. § 1631 provides that if a court such as this one “finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed.”

This Court agrees with both parties that it does not have jurisdiction over this action. Further, we believe that pursuant to 28 U.S.C. § 1631, it is in the interest of justice that this case be transferred to the United States District Court for the Eastern District of Virginia for further proceedings. As required by 28 U.S.C. § 1631, the United States District Court for the Eastern District of Virginia is a court in which this action could have been filed. To the extent that Plaintiff requests transfer to a specific division of the Eastern District of Virginia, that request is denied.

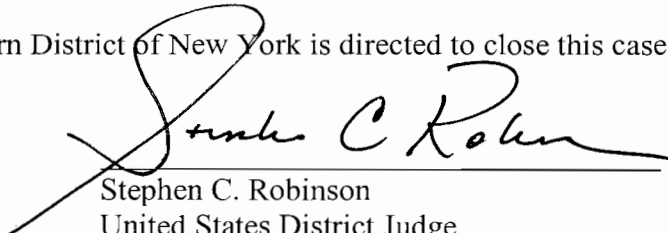
This Court offers no opinion whatsoever on the remaining grounds of defendants’ motion.

## IT IS HEREBY ORDERED THAT:

1. This case is TRANSFERRED to the Eastern District of Virginia for all further proceedings.
2. Defendant’s motion at docket number 3 is terminated as moot.

The Clerk of the Court of the Southern District of New York is directed to close this case.

Dated: October 17, 2007  
White Plains, New York

  
Stephen C. Robinson  
United States District Judge